

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following comments, is respectfully requested.

Claims 1-29 are pending in this application. Claims 1, 4, 5, 6, 8, 16, 17, 23, 26 and 27 are amended. No claims are canceled by this amendment.

Applicants acknowledge with appreciation the Examiner's indication that the drawings filed on August 22, 2003 have been accepted by the USPTO; that certified copies of the priority documents have been received by the USPTO; and that the references included in the Information Disclosure Statement filed August 22, 2003 have been acknowledged as considered.

Claim Objections

Claim 16, 17, 23 and 27 are objected to because of informalities identified on page 2, section 4 of the Office Action mailed March 7, 2006.

Claim 16, 17, 23 and 27 have been amended as suggested by the Examiner to correct the minor informalities.

Therefore, Applicants respectfully request that the objections to claims 16, 17, 23 and 27 be withdrawn.

Claims

Before turning to the outstanding art rejections to the claims, a review of the amended independent claim 1 is believed to be in order. Amended independent claim 1 recites a data processing system including "a data switching device for checking the data objects for consistency with the medically relevant reports prior to storing the data objects." Applicants respectfully submit that at least this feature of amended independent claim 1 and the similar

features of amended independent claims 8 and 23 patentably distinguish the claimed invention over the cited references.

Example Embodiments

As described in paragraph [0039] of the Applicant's specification, a "data switching device 21 undertakes checking of the data which are to be written back for their plausibility or consistency with the rest of the patient record." For example, the data switching device 21 may check to ensure that the edited data does not indicate that a male patient is pregnant or that a patient has lost half of their body weight in a matter of a few days.¹

Claim Rejections under 35 U.S.C. §103

Claims 1-29 stand rejected under 35 U.S.C. §103(a) as unpatentable over Rothschild et al. (U.S. Publication No. 2002/0016718, herein Rothschild) in view of Fabrick et al. (U.S. Publication No. 2004/0088317, herein Fabrick). Applicants respectfully traverse this rejection for the reasons detailed below.

Rothschild is directed to a medical image management system which functions as an applications service provider (ASP). In particular, Rothschild is directed towards electronically delivering medical images in electronic record form to various physicians, surgeons, radiologists, etc.; electronically storing each image in three separate locations; providing authorized, secure and fast access to the stored image data; and providing special clinical and visual applications for remote users.²

Fabrick is directed to a system, software, graphical user interface (GUI) and method for providing customized information relating to a particular patient's medical conditions to a

FN¹ Applicant's Specification, page 15, paragraph [0049].

FN² Rothschild, page 13, paragraphs [0137]-[0140].

healthcare provider. Applicants respectfully note that the Examiner relies on paragraph [0037] of Fabrick as teaching the content of user-edited data is checked before the data is stored.³ However, Applicants respectfully note that the cited portion of Fabrick merely discloses that data collected in step 310 is stored in a database and that the data base may be organized in a multi-level hierarchy.

Accordingly, Applicants respectfully submit that both Fabrick and Rothschild fail to disclose, teach or suggest a data switching device, much less “a data switching device for checking the data objects for consistency with the medically relevant reports prior to storing the data objects,” as recited in amended independent claim 1.

In light of the above, Applicants respectfully request that the rejections of claims 1-29 under 35 U.S.C. §103 be withdrawn.

FN² Office Action mailed March 7, 2006, page 7, lines 9-13.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-29 in connection with the present application is earnestly solicited.

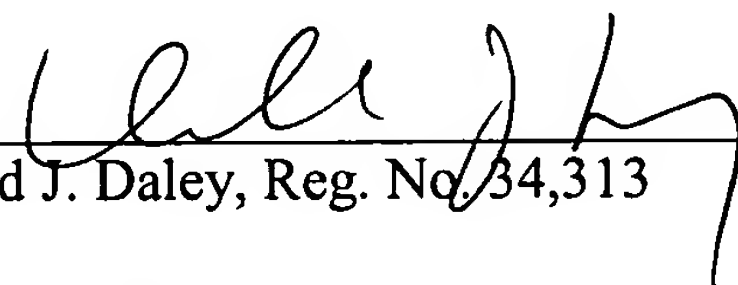
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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